

**13-42-106 Application for registration -- Required information.**

An application for registration as a provider shall be signed under penalty of perjury and include:

- (1) the applicant's name, principal business address and telephone number, and all other business addresses in this state, electronic-mail addresses, and Internet website addresses;
- (2) all names under which the applicant conducts business;
- (3) the address of each location in this state at which the applicant will provide debt-management services or a statement that the applicant will have no such location;
- (4) the name and home address of each officer and director of the applicant and each person that owns at least 10% of the applicant;
- (5) identification of every jurisdiction in which, during the five years immediately preceding the application:
  - (a) the applicant or any of its officers or directors has been licensed or registered to provide debt-management services; or
  - (b) individuals have resided when they received debt-management services from the applicant;
- (6) a statement describing, to the extent it is known or should be known by the applicant, any material civil or criminal judgment or litigation and any material administrative or enforcement action by a governmental agency in any jurisdiction against the applicant, any of its officers, directors, owners, or agents, or any person who is authorized to have access to the trust account required by Section 13-42-122;
- (7) the applicant's financial statements, audited by an accountant licensed to conduct audits, for each of the two years immediately preceding the application or, if it has not been in operation for the two years preceding the application, for the period of its existence;
- (8) evidence of accreditation by an independent accrediting organization approved by the administrator;
- (9) evidence that, no later than 12 months after initial employment, each of the applicant's counselors becomes certified as a certified counselor;
- (10) a description of the three most commonly used educational programs that the applicant provides or intends to provide to individuals who reside in this state and a copy of any materials used or to be used in those programs;
- (11) a description of the applicant's financial analysis and initial budget plan, including any form or electronic model, used to evaluate the financial condition of individuals;
- (12) a copy of each form of agreement that the applicant will use with individuals who reside in this state;
- (13) the schedule of fees and charges that the applicant will use with individuals who reside in this state;
- (14) at the applicant's expense, the results of a criminal records check, including fingerprints, conducted within the immediately preceding 12 months, covering every officer of the applicant and every employee or agent of the applicant who is authorized to have access to the trust account required by Section 13-42-122;
- (15) the names and addresses of all employers of each director during the 10 years immediately preceding the application;
- (16) a description of any ownership interest of at least 10% by a director, owner, or employee of the applicant in:
  - (a) any affiliate of the applicant; or
  - (b) any entity that provides products or services to the applicant or any individual relating to the applicant's debt-management services;

- (17) a statement of the amount of compensation of the applicant's five most highly compensated employees for each of the three years immediately preceding the application or, if it has not been in operation for the three years preceding the application, for the period of its existence;
- (18) the identity of each director who is an affiliate, as defined in Subsection 13-42-102(2)(a) or (2)(b)(i), (ii), (iv), (v), (vi), or (vii), of the applicant; and
- (19) any other information that the administrator reasonably requires to perform the administrator's duties under Section 13-42-109.

Amended by Chapter 152, 2012 General Session